

_____ BILL NO. _____

INTRODUCED BY _____
(Primary Sponsor)

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE STRUCTURE OF THE DEPARTMENT OF TRANSPORTATION; REMOVING THE REQUIREMENT THAT THE DEPARTMENT HAVE FIVE SPECIFIC DIVISIONS; ALLOWING THE DEPARTMENT TO HAVE AS MANY DIVISIONS AS ARE NECESSARY TO MANAGE CERTAIN FUNCTIONS; REMOVING REFERENCES TO SPECIFIC DIVISIONS; AND AMENDING SECTIONS 2-15-2501, 2-15-2506, 15-70-302, 15-70-311, 44-4-301, 61-8-905, AND 61-12-201, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 2-15-2501, MCA, is amended to read:

"2-15-2501. Department of transportation -- head. There is a department of transportation. The department head is the director of transportation appointed by the governor in accordance with 2-15-111. The department may have as many divisions as are necessary, ~~but it must have divisions of:~~

~~_____ (1) highways;~~

~~_____ (2) aeronautics;~~

~~_____ (3) administration;~~

~~_____ (4) rail and transit; and~~

~~_____ (5) motor carrier services~~ to manage its functions related to highways, aeronautics, rail and transit, motor carrier services, and other functions assigned to the department by law."

Section 2. Section 2-15-2506, MCA, is amended to read:

"2-15-2506. Board of aeronautics -- qualification -- allocation -- quasi-judicial. (1) There is a board of aeronautics.

(2) The board consists of nine members. The members are:

(a) one member of the Montana pilots' association;

(b) one member of the Montana chamber of commerce;

(c) one representative of the Montana airport management association;

(d) one member of the Montana county commissioners association or the Montana league of cities and

1 towns;

2 (e) one person actively engaged in aviation education in this state;

3 (f) one person representative of interstate commercial airline operators, who must at the time of
4 appointment be an employee or official of an interstate commercial airline operator and a resident of this state;

5 (g) one person representing the general public;

6 (h) one member of the association of Montana aerial applicators; and

7 (i) one person who must at the time of appointment be an active fixed base operator in this state, or an
8 official of a fixed base operator in this state, of flying services or flying schools.

9 (3) The board is allocated to the department of transportation for administrative purposes only as
10 prescribed in 2-15-121.

11 (4) The board is designated as a quasi-judicial board for purposes of 2-15-124.

12 (5) ~~The administrator of the aeronautics division~~ director of transportation or the director's designee shall
13 act as liaison between the board and the department of transportation."
14

15 **Section 3.** Section 15-70-302, MCA, is amended to read:

16 **"15-70-302. Special fuel user's permits required -- exceptions.** (1) (a) A special fuel user shall obtain
17 a special fuel user's permit annually from the department, prior to the use of special fuel:

18 (i) for the operation of a motor vehicle or vehicles in this state in excess of 26,000 pounds gross vehicle
19 weight or registered gross vehicle weight used in an interstate operation;

20 (ii) by a special fuel user awarded a contract in accordance with 15-70-321; or

21 (iii) in a vehicle permitted pursuant to an agreement adopted pursuant to 15-70-121.

22 (b) Except as provided in subsection (3), a special fuel user shall at all times display the original or a
23 reproduced copy of the permit in each special fuel vehicle operated by the special fuel user upon the public
24 roads and highways. The permit or copy must be exhibited for inspection on request of any ~~motor carrier~~
25 ~~services division~~ employee of the department who is employed in the administration of the department's motor
26 carrier services functions, Montana highway patrol officer, authorized employee of the department, or any other
27 law enforcement officer. The special fuel user is responsible for reproducing clear and legible copies of the
28 permit.

29 (2) Any out-of-state user who operates a special fuel vehicle solely for recreation or for religious,
30 charitable, educational, or other eleemosynary purposes shall secure a special fuel user's courtesy vehicle

1 permit. The permit is not transferable and is valid for 90 days. Permits must be issued at no cost to the user by
2 the department, scale house personnel, and gross vehicle weight patrol crews. The department may require a
3 user who has fuel capacity in excess of 30 gallons to file a report and pay the tax on fuel used in Montana on
4 which the tax has not been paid.

5 (3) A special fuel user need not display the original or reproduced copy of the special fuel user's permit,
6 as required by subsection (1), if the special fuel user is registered and licensed pursuant to the International Fuel
7 Tax Agreement, as authorized by 15-70-121, and the vehicle displays a license or decal issued pursuant to the
8 agreement."

9
10 **Section 4.** Section 15-70-311, MCA, is amended to read:

11 **"15-70-311. Special fuel user's temporary trip permits -- nonresident agricultural harvesting**
12 **equipment special fuel permit.** (1) Any person operating a special fuel-powered vehicle over 26,000 pounds
13 gross vehicle weight or registered gross vehicle weight upon the public roads and highways of this state who
14 fails or neglects to carry in the vehicle a valid special fuel vehicle permit, as provided by 15-70-302, is required
15 to purchase a special fuel user's temporary trip permit. The permits must be issued by ~~motor carrier services~~
16 ~~division~~ employees of the department who are employed in the administration of the department's motor carrier
17 services functions, Montana highway patrol officers, and other enforcing agents that the department may
18 prescribe by order or rule.

19 (2) Any nonresident upon entering the state with agricultural harvesting equipment that is over 26,000
20 pounds gross vehicle weight or registered gross vehicle weight and that is powered by special fuel and operating
21 upon the public roads and highways of this state who fails or neglects to carry in or on equipment a valid special
22 fuel vehicle permit, as provided by 15-70-302, is required to purchase a nonresident agricultural harvesting
23 equipment special fuel permit. The permit must be issued by ~~motor carrier services division~~ employees of the
24 department who are employed in the administration of the department's motor carrier services functions,
25 Montana highway patrol officers, and other enforcing agents that the department may prescribe by order or rule."

26
27 **Section 5.** Section 44-4-301, MCA, is amended to read:

28 **"44-4-301. Functions.** (1) As designated by the governor as the state planning agency under the
29 Omnibus Crime Control and Safe Streets Act of 1968, as amended, the board of crime control shall perform the
30 functions assigned to it under that act. The board shall also provide to criminal justice agencies technical

1 assistance and supportive services that are approved by the board or assigned by the governor or legislature.

2 (2) The board may:

3 (a) establish minimum qualifying standards for employment of peace officers, as defined in 7-32-303,
4 detention officers, detention center administrators, public safety communications officers, probation and parole
5 officers, corrections officers, and commercial vehicle inspectors; and

6 (b) develop procedures for revoking or suspending the certification of peace officers, as defined in
7 7-32-303, detention officers, detention center administrators, public safety communications officers, probation
8 and parole officers, corrections officers, and commercial vehicle inspectors.

9 (3) The board may require basic training for officers, establish minimum standards for equipment and
10 procedures and for advanced inservice training for officers, establish minimum standards for the certification of
11 public safety communications officers, establish minimum standards for the certification of motor carrier services
12 ~~division~~ officers appointed under 61-12-201, and establish minimum standards for law enforcement and
13 detention officer training schools administered by the state or any of its political subdivisions or agencies, to
14 ensure the public health, welfare, and safety.

15 (4) The board may waive the minimum qualification standard provided in subsection (2) for good cause
16 shown.

17 (5) The board shall establish minimum standards for training of probation and parole officers, pursuant
18 to 46-23-1003.

19 (6) The board shall establish minimum standards for training corrections officers and commercial vehicle
20 inspectors.

21 (7) It is the duty of the appointing authority to cause each probation and parole officer, corrections
22 officer, and commercial vehicle inspector appointed under its authority whose term of employment commenced
23 after September 30, 1999, to attend and successfully complete, within 6 months of employment, an appropriate
24 basic course certified by the board. The appointing authority may terminate a probation and parole officer's,
25 corrections officer's, or commercial vehicle inspector's employment for failure to:

26 (a) meet the minimum standards established by the board; or

27 (b) satisfactorily complete the appropriate basic course."
28

29 **Section 6.** Section 61-8-905, MCA, is amended to read:

30 **"61-8-905. Classification standards.** (1) Commercial tow trucks are divided into the following five

1 classes based on the manufacturer's rating:

2 (a) Class A tow truck equipment must have a minimum manufacturer's rating of 4 tons and must be
3 mounted on a truck chassis with a minimum manufacturer's rating of 10,000 pounds gross vehicle weight.

4 (b) Class B tow truck equipment must have a minimum manufacturer's rating of 8 tons and must be
5 mounted on a truck chassis with a minimum manufacturer's rating of 18,000 pounds gross vehicle weight.

6 (c) Class C tow truck equipment must have a minimum manufacturer's rating of 16 tons and must be
7 mounted on a chassis that has a minimum manufacturer's rating of 32,000 pounds gross vehicle weight.

8 (d) Class D is class A, B, or C tow truck equipment that includes manufactured rollbacks and car carriers
9 with manufacturer's gross vehicle ratings ranging from 10,000 pounds to 30,000 pounds. The rollbacks and car
10 carriers must be mounted on a truck-trailer chassis that, at a minimum, is equal to the minimum gross weight
11 of the rollback or car carrier.

12 (e) Class E includes two or more tow trucks working together with a combined manufacturer's rating
13 of a minimum of 80,000 pounds with access to supportive equipment, such as forklifts, banders, and air bags,
14 for the recovery of rollovers and wrecked, disabled, and abandoned vehicles whose cargo requires special
15 handling. Class E refers to tow truck companies and not to tow truck equipment.

16 (2) (a) An operator of noncommercially manufactured or modified tow truck equipment in use on
17 October 1, 1995, that wishes to participate in the law enforcement rotation system must have its equipment
18 classified by the department within a time period set by the department. Once the equipment is classified, further
19 modifications may not be made.

20 (b) (i) The department shall establish a committee composed of members selected from the:

21 (A) tow truck industry;

22 (B) ~~the motor carrier services~~ division of the department of transportation that administers the
23 department's motor carrier services functions; and

24 (C) ~~the~~ highway patrol.

25 (ii) The committee is responsible for hearing disputes that may arise regarding the classification of
26 noncommercially manufactured or modified tow truck equipment.

27 (iii) The department shall establish by rule a procedure for hearing a dispute.

28 (c) After October 1, 1995, an operator of new noncommercially manufactured or modified tow truck
29 equipment must have its equipment independently certified before participating in the law enforcement rotation
30 system."

1

2 **Section 7.** Section 61-12-201, MCA, is amended to read:

3 **"61-12-201. Appointment of employees and out-of-state personnel as peace officers -- definition.**

4 (1) The director of transportation may appoint employees of the department as peace officers to carry out this
5 part. The employees appointed may include only those employees of the department who are employed in the
6 administration of the motor carrier services functions of the department and employees of other states.
7 Out-of-state personnel may be appointed only for the purpose of enforcing gross vehicle weight laws at joint
8 weigh station facilities. Each employee appointed must be issued a certificate of appointment and execute an
9 oath of office, which must be entered into the records of the department.

10 (2) The department may enter into joint weigh station agreements with other states. If the department
11 enters into a joint weigh station agreement with another state, the department may not reduce staff levels in the
12 ~~motor carrier services~~ division of the department that administers the department's motor carrier services
13 functions as a result of the agreement but may reassign staff. However, this subsection does not apply to a
14 reduction in force for the department as a whole.

15 (3) As used in this part, "department" means the department of transportation."

16

- END -